

Michael W. Cotter  
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Office of Disciplinary Counsel

BEFORE THE COMMISSION ON PRACTICE OF THE  
SUPREME COURT OF THE STATE OF MONTANA

\*\*\*\*\*

IN THE MATTER OF ARTHUR V. WITTICH,  
An Attorney at Law,  
Respondent.

} Supreme Court No.  
} ODC File No. 16-119  
} **COMPLAINT**

The Office of Disciplinary Counsel for the State of Montana ("ODC"),  
hereby charges Arthur V. Wittich with professional misconduct as follows:

Upon leave of the Commission on Practice granted on October 12, 2017,  
ODC hereby charges Arthur V. Wittich with professional misconduct as follows:

1. Arthur V. Wittich, hereinafter referred to as Respondent, was admitted  
to the practice of law in the State of Montana in 1985, at which time he took the  
oath required for admission, wherein he agreed to abide by the Rules of  
Professional Conduct, the Disciplinary Rules adopted by the Supreme Court, and

1 the highest standards of honesty, justice and morality, including but not limited to,  
2 those outlined in parts 3 and 4 of Chapter 61, Title 37, Montana Code Annotated.

3 2. The Montana Supreme Court has approved and adopted the Montana  
4 Rules of Professional Conduct ("MRPC"), governing the ethical conduct of  
5 attorneys licensed to practice in the State of Montana, which Rules were in effect  
6 at all times mentioned in this Complaint.  
7

8 3. During the 2010 primary election season, Respondent committed  
9 numerous violations of Montana's campaign disclosure statutes and regulations,  
10 during his candidacy for state legislature.  
11

12 4. Following an investigation by the Commissioner of Political Practices  
13 ("COPP"), Respondent was prosecuted in *COPP v. Wittich*, Lewis and Clark  
14 County District Court, Cause No. XBDV-2014-251.  
15

16 5. Prior to trial, summary judgment was granted in favor of COPP and  
17 against Respondent for the following violations of Montana campaign finance  
18 laws:  
19

- 20 a. Failing to use his designated campaign account when purchasing  
21 twelve campaign items totaling \$4,903.14 and also by issuing three  
22 checks totaling \$2,602.44 without corresponding matching  
23 expenses on his campaign finance reports;  
24

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- 1 b. Failing to reflect a \$500 debt owed to a campaign worker in the  
2 proper report;  
3 c. Receiving contributions over the \$35 limit at two rallies totaling  
4 \$930 and failing to report the contributors as required;  
5  
6 d. Failing to maintain and preserve records of his campaign  
7 contributions and expenditures; and  
8  
9 e. Accepting or receiving corporate contributions, including in-kind  
10 contributions, in the amount of \$19,599, and failing to report those  
11 contributions as required.

12 6. On April 1, 2016, after a four-day trial, a jury found him liable (by 10-  
13 2 vote) for:

- 14 a. Failing to maintain and preserve records of his campaign  
15 contributions and expenditures;  
16  
17 b. Accepting or receiving corporate contributions, including  
18 coordinated in-kind contributions; and,  
19  
20 c. Failing to report all such contributions in the amount of \$19,599.

21 7. The Montana Supreme Court affirmed the district court's judgment on  
22 August 23, 2017.

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8. By his adjudicated campaign finance and disclosure violations, Respondent engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c), MRPC.

WHEREFORE, the Office of Disciplinary Counsel prays:

1. That a Citation be issued to the Respondent, to which shall be attached a copy of the complaint, requiring Respondent, within twenty (20) days after service thereof, to file a written answer to the complaint;

2. That a formal hearing be had on the allegations of this complaint before an Adjudicatory Panel of the Commission;

3. That the Adjudicatory Panel of the Commission make a report of its findings and recommendations after a formal hearing to the Montana Supreme Court, and, in the event the Adjudicatory Panel finds the facts warrant disciplinary action and recommends discipline, that the Commission also recommend the nature and extent of appropriate disciplinary action; and,

4. For such other and further relief as deemed necessary and proper.

DATED this 30<sup>th</sup> day of October, 2017.

OFFICE OF DISCIPLINARY COUNSEL

By:

Michael W. Cotter  
Chief Disciplinary Counsel

## **CERTIFICATE OF SERVICE**

I, Michael W. Cotter, hereby certify that I have served true and accurate copies of the foregoing Complaint - Formal Complaint and Citation to Appear to the following on 10-30-2017:

Shelly Smith (Court Reporter)  
Office Administrator  
Commission on Practice  
P.O. Box 203002  
301 S. Park Ave., Ste. 328  
Helena MT 59624  
Service Method: eService  
E-mail Address: shellysmith@mt.gov

Electronically signed by Marni Sowell on behalf of Michael W. Cotter  
Dated: 10-30-2017